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OFFICE OF PETITIONS

In re Patent No. 6,903,775	:	
Akira Senda	:	
Issue Date: June 7, 2005	:	LETTER REGARDING
Application No. 09/103,398	:	REQUEST FOR CERTIFICATE
Filed: June 24, 1998	:	OF CORRECTION
Attorney Docket No. 35.C12806	:	

This is in response to the Request for a Certificate of Correction, filed October 3, 2005.

The request is **DENIED** to the extent indicated herein.

Patentee requests a Certificate of Correction noting that a Continued Prosecution Application was filed, and that the patent is subject to a 20-year term.

The Office has the discretion under 35 U.S.C. § 254 to decline to issue a Certificate of Correction even though an Office mistake exists (the statute specifies that the Director may issue a Certificate of Correction, not that the Director shall issue). If Office mistakes are of such a nature that the meaning intended is obvious from the context, the Office may decline to issue a certificate and merely place the correspondence in the patented file, where it serves to call attention to the matter in case any question as to it subsequently arises. See Manual of Patent Examining Procedure, Section 1480 (May 2004).

Where an application was filed before June 8, 1995, and subsequently a CPA was filed, it was important for the patent to

contain a notation that the CPA was filed in order to apprise the public of the fact that the patent was subject to the 20 year term provisions of 35 U.S.C. 154(a)(2). Where the application for a utility or plant patent was filed on or after June 8, 1995, the public is expected to know that the patent is subject to a 20-year term and such patents are not printed with a reminder of the length of the term. Since the above-identified patent was issued from an application originally filed on June 24, 1998 (and subsequently as a CPA), the CPA notice is not necessary and there was no material error in the failure to include the notice on the front page of the patent. Accordingly, a Certificate of Correction will not be issued to correct this mistake.

Telephone inquiries specific to this decision should be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions